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SUBJECT: GENEVA DISCUSSIONS ON GEORGIA ROUND VIII: NO  
CONCRETE PROGRESS

REF: A. GENEVA 822  
[1](#)B. GENEVA 592  
[1](#)C. GENEVA 494  
[1](#)D. GENEVA 409

Classified By: Peter F. Mulrean, RMA Counselor, Reason 1.4 (b),(d)

[1](#)1. (SBU) Summary. At round VIII of the Geneva talks, held November 11, Georgia noted its serious concerns about recent Russian rhetoric suggesting an increasing threat from Georgia; Russia and the South Ossetian de facto representatives countered that Georgia was preparing for renewed aggression. In a discussion of the Incident Prevention and Response Mechanisms (IPRMs), it emerged that the Abkhazia IPRM is making better progress on concrete concerns than the South Ossetia IPRM, which the South Ossetians threatened to boycott if missing persons cases were not resolved. Detentions were also a major topic, with the Georgians concerned about the recent arrest of four minors in South Ossetia; the Abkhaz de facto representatives announced the imminent release of recently detained fishermen, for which the Georgians expressed appreciation. In general the Abkhaz were much more constructive than the South Ossetians, who regressed to obstreperous statements and name-calling. This was generally true in discussions on humanitarian and displaced issues, where some initial progress on the text of Agreed Understandings was later scuttled by South Ossetian attempts to insert security-related issues. The co-chairs managed to steer the group through a relatively short discussion of the Tagliavini report on the August war without major incident. Regarding a possible non-use of force (NUF) agreement, Assistant Secretary Gordon emphasized the importance of fulfilling the existing ceasefire commitments, including the withdrawal of forces, and the necessity of international security arrangements. The Russians again balked at such new arrangements, saying the existing situation with the EUMM and themselves was sufficient, and insisted the key point of a non-use of force agreement was for Georgia to declare it would not seek to re-establish its territorial integrity by force. The next round will take place January 28, 2010. End summary.

[1](#)2. (C) Comment. Round VIII did not see any concrete progress, and the stark differences in the positions on a NUF agreement and international security arrangements between Georgia on the one hand and Russia and South Ossetia on the other are discouraging. Nevertheless, it seems that the IPRM for Abkhazia is making some progress at the ground level, and Abkhazia's overall constructive attitude in Geneva suggests that it wants to find ways to move forward. It may be that we can use its constructive approach to prod South Ossetia toward a more helpful attitude. It may also be, however, that we can explore some of Abkhazia's overtures more efficiently outside the Geneva context. End comment.

13. (SBU) UN Representative Johan Verbeke provided a briefing on the Abkhazia IPRM. He said the parties had established procedures to facilitate an ongoing conversation through bi-weekly, business-like meetings. He noted the meetings had provided explanations and clarifications of incidents along the administrative boundary line (ABL) and had succeeded to some degree in deflating, de-dramatizing, and even to some extent de-politicizing issues. At meetings, Verbeke said parties had agreed to to limit discussion to verifiable facts (as opposed to accepting various allegations or media reports at face value). One major achievement was agreement in principle to conduct joint visits to schools in Gali, which have been a particular concern to the Georgians. Another has been an agreement in principle to allow students and people requiring urgent medical care to cross the ABL. Regular items on the agenda have been ABL crossings in general, education issues in Gali, maritime issues, and helicopter/UAV overflights.

14. (SBU) Head of the EU Monitoring Mission (EUMM) Hansjoerg Haber said the South Ossetia IPRM had met a total of seven times, including twice since the last Geneva round; they were not yet meeting on a regular, bi-weekly schedule. Every meeting has been in either Ergneti or Dvani, on the undisputed Georgian side of the ABL. Participants have disagreed on procedural elements, including the chairmanship and the process of compiling an agenda and notes. He said discussions were dominated by detained and missing persons cases, with an unhelpful link being increasingly made between the two sets of issues. Other regular issues include

shootings (though there have not been any casualties for some time) and military exercises. South Ossetian de facto representative Boris Chochiev complained that the EUMM was biased against them, saying that the IPRM "did not help to prevent incidents, but only helped the Georgians live well." Although he said his colleagues would attend the next meeting, they said they would cease further participation if no progress was made on five missing persons cases. In making this statement, Chochiev noted that his Russian colleagues might not be pleased with the prospect of South Ossetian non-participation.

15. (SBU) Georgian Deputy Foreign Minister Giga Bokeria expressed serious concerns about detentions, including in particular the four minors detained November 5. Arguing that children should not be pawns in political disputes, he pushed the South Ossetians and the Russians to secure their swift release. Neither party agreed to do so, but rather countered that the Georgians have not provided for the humanitarian needs of people, including children, in Akhalkgori by blocking their access to gas; Russian Deputy Foreign Minister Grigory Karasin made the same point about the Georgian "blockade" of Abkhazia. Bokeria also expressed concern about the detention the day before of nine fishermen by Abkhaz de facto authorities; in response, de facto representative Viacheslav Chirikba said six had been released already, and the other three would be released shortly. Bokeria expressed his appreciation.

16. (SBU) After lunch, the three co-chairs joined most of the participants in an impromptu discussion of the South Ossetia IPRM in an effort to avoid a breakdown of the mechanism. On the procedural concerns, EU Special Representative for the Conflict in Georgia Pierre Morel agreed to ask his staff to prepare a paper on some options to consider for the chairmanship and agenda-setting and note-taking roles. Back in the general session, Morel made a special appeal that specific, complex cases not be allowed to block the work of the IPRM. Although he seemed willing to consider the procedural options that would be presented, Chochiev made clear that his main concern was the investigation into the five missing persons cases, and that his threat to boycott still stood. Georgian representative Shota Utiashvili noted that his side awaits information on 38 cases of missing

persons, but was still willing to participate.

#### Tagliavini report

17. (SBU) Despite expressing surprise at Russian insistence on the topic being included in the agenda, Bokeria accepted Morel's invitation to begin the discussion of the Tagliavini report by discussing the findings in some detail. Predictably, he cited those parts of the report that upheld Georgian positions on the war. He challenged the report's judgment that the Georgian attack on Tskhinvali was unjustified by noting that the report itself admits the arrival in Georgia of Russian forces before the Georgian attack, which constituted an invasion, because, according to Bokeria, the definition of invasion required no minimum number of troops. He also asked why the Russian side, after requesting a discussion of the report at the OSCE in Vienna, was not willing to answer follow-up questions or engage in an actual exchange after their initial statement.

18. (C) Karasin offered a short intervention, noting only that the report found that Georgia initiative hostilities, and that the Georgian nationalistic movement under Gamsakhurdia helped create the conflicts. South Ossetian representatives repeated several times that the report clearly identified Georgia as the "aggressor," adding that the Geneva process should reevaluate its approach based on this fundamental finding. The South Ossetians and Abkhaz noted that the report blamed other countries for arming Georgia, and the South Ossetians repeated earlier allegations that the Georgians were even now rearming and must be stopped. At one point Chochiev referred to the Georgia as an "American client," and called Bokeria the ideological architect of Saakashvili's "clear field" policy. (Note: Before the talks, Morel told Deputy Assistant Secretary Tina Kaidanow that he thought, as did Heidi Tagliavini herself, that the Russians were contemplating using the report as the basis for a legal challenge to Georgia. During the talks, however, only Chochiev referred to the report as an authoritative document that should change the terms of the discussion. End note.)

19. (SBU) Assistant Secretary Gordon pointed out that the report said clearly that no one side could be held

responsible, that there no winners in the conflict, and that the Geneva participants should use it to identify ways to look forward to resolving the conflict, not to apportion blame. Verbeke noted that the report found that the conflict had multiple layers, including on level an inter-state conflict between Georgia and Russia, and on another level an intra-state conflict between the Georgian government and the regions. He also cited the report's suggestion that the circumstances required the re-establishment of an international presence on both sides of the ABLs.

#### Non-use of force

10. (SBU) As promised at the Geneva VII round, the co-chairs circulated a paper entitled "Basic Elements of a Framework for an Agreement on the Non-Use of Force and International Security Arrangements" before the talks, and various sides provided also written responses beforehand. A/S Gordon began the general discussion by saying that the United States did not object to a new NUF agreement if the sides found it necessary, but noted that the August 12, 2008 ceasefire agreement already contained such a commitment. He said compliance with all the elements of that ceasefire, including the withdrawal of forces and free access for humanitarian assistance, was still required, and any new agreement should indeed call for that compliance. He added that another crucial element of such an agreement was the implementing international security arrangements to ensure the NUF commitment itself. Kaidanow added that all sides perceive a threat; for any discussion of an agreement to be credible, it should include a step-by-step approach to increase confidence on all sides as well as international security arrangements

to ensure stability.

¶11. (SBU) Bokeria reiterated that Georgia saw the ceasefire agreement as the only legally binding agreement relevant to the conflict and said that Georgia could begin to get creative on an NUF agreement if an international presence could be established and the process of de-occupation begun. As he has for several rounds, Karasin again insisted that a NUF agreement could only be signed between Georgia and the regions, but added the new point that the key element must be Georgia's assurance that it would not seek to restore its territorial integrity by force. He suggested that the EUMM and Russia's own forces constituted a sufficient international presence. Abkhaz de facto representative Viacheslav Chirikba said that any NUF agreement that did not include Abkhaz and South Ossetian de facto representatives as signatories would not be binding on the regions. He also said, however, that a compromise might be found involving Georgia, the regions and Russia. (Note: This is the first time at Geneva that one of the defactos has suggested Russia could be a signatory; Russia has steadfastly refused to consider the idea. End note.) Verbeke concluded the discussion by echoing the idea that the ceasefire argument must lie at the heart of any new NUF agreement, citing the general principle of international law of "pacta sunt servanda," i.e., that agreements already made must be honored by all the signatories, even if inconvenient. He also echoed Kaidanow's comments that the credibility of any new commitment was paramount -- hence the importance of international security arrangements.

#### Refugees and Displaced

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¶12. (SBU) In Working Group 2, the co-chairs deflected South Ossetian attempts to introduce into the text of the draft Agreed Undertakings select references to the Tagliavini Report. The US delegation quashed language (different but equally unacceptable versions offered by South Ossetia and Russia) that would have linked humanitarian activity to progress in the political sphere. In this second session devoted exclusively to the Agreed Undertakings and with notable flexibility by the Georgian delegations, WG2 reached what appeared to be agreement on the introductory paragraph, which includes the following principles and objectives (abbreviated below):

- Promotion, respect and protection of human rights of refugees, IDPs and other persons of concern;
- Promotion and respect of the right to safe, voluntary and dignified return in a secure environment;
- The need to improve the humanitarian situation of all affected populations;
- The need to build trust and confidence among the parties at all levels;
- The need for concrete interventions to benefit all those affected by forced displacement since 1989, notably to facilitate returns and the full enjoyment of their rights, including property rights.

¶13. (SBU) There was a surprisingly constructive discussion in WG II in the hour before lunch on the subject of registration of refugees and IDPs. Participants agree on the need to establish a database capturing information on the total population in need of assistance and/or wishing to return home. UNHCR addressed technical questions, such as how to protect personal information. There appeared again to be agreement on a text regarding this matter, though the Georgians refused to conclude discussion of the section and consent to a workshop on registration until there was consensus on the principles and objectives (see Para 12 above). Discussion deteriorated sharply after lunch, with the South Ossetians re-opening previously agreed language and

attempting to insert unacceptable references. In the end, there was no final agreement on any of the text.

#### Next steps

¶14. (SBU) At the end of the session, Morel distributed two non-papers on specific areas, to serve as the basis for discussion at the next round: joint visits and crossing points. Verbeke noted that the Abkhazia IPRM has already considered both these issues to some extent, and he hoped to regularize an approach on both issues. Chochiev said that South Ossetia was not bound by the ceasefire agreement to open its so-called "state borders," suggesting he would not be open to that discussion.

¶15. (U) DAS Kaidanow has cleared this cable.  
GRIFFITHS